IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 5735 of 2006

Date of decision: 22.02.2007

Nathu Ram

..... Petitioner.

Versus

Jaspal Singh

..... Respondent.

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present:- Mr. Sanjiv Gupta, Advocate
for the petitioner.

Ms. Monika Jalota,Advocate
for the respondent.

VINEY MITTAL, J. (ORAL)

The tenant is a petitioner before this Court. The authorities below have ordered the ejectment of the tenant-petitioner on two grounds. It has been held that the shop in question has become unsafe and unfit for human habitation. It has further been found as a fact that the tenant had raised unauthorized/ permanent construction in the shop in question without written consent of the landlord and therefore the aforesaid act amounted to material impairment of the value and utility of the shop in question.

After hearing learned counsel for the parties and on perusal of the observations made by the authorities below, I am satisfied that the findings recorded by the authorities below are not erroneous. Once the construction had been raised unauthorizedly by the tenant amounting to material impairment of the building in question and also a substantial portion of the integrated larger building had already been fallen down thereby even making the shop, unfit and unsafe for human habitation , the

tenant cannot be heard to make any grievance against the aforesaid findings.

No ground for interference is made out.

Dismissed.

Petitioner is granted two months time to hand over the vacant possession to the landlord.

February 22, 2007 **(VINEY MITTAL)**
Dinesh **JUDGE**